

AN ORDINANCE OF THE COUNCIL

FOR THE TOWN OF ABINGDON, VIRGINIA TO AMEND

Part II – Code, Appendix B-Zoning Ordinance, Article 18. – Site Plan Review,

Section 18-9. – Historic District Entrance Corridor Overlay District

WHEREAS, § 15.2-2280 of the Code of Virginia 1950, as amended, grants the local governing body the authority to classify the territory under its jurisdiction or any substantial portion thereof into districts of such number, shape and size as it may deem best suited to carry out the purposes of this article and in each district it may regulate, restrict, permit, prohibit, and determine the use of land, buildings, structures and other premises for agricultural, business, industrial, residential, flood plain and other specific uses; and

WHEREAS, the Town of Abingdon's current Code, Part II, Appendix B-Zoning Ordinance, Article 18. – Site Plan Review, Section 18-9. – Historic District Entrance Corridor Overlay District, the Council for the Town of Abingdon has found it in the best interest to amend the body of its ordinance; and

NOW, THEREFORE BE IT ORDAINED by the council of the Town of Abingdon that:

1. Should any section or provision of this ordinance be decided to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of any other section or provision of this ordinance or the Code of the Town of Abingdon, Virginia; and

2. The Town of Abingdon's current Code, Part II, Appendix B-Zoning Ordinance, Article 18- Site Plan Review, Section 18-9. – Historic District Entrance Corridor Overlay District, that are proposed for amendment currently appear as follows:

Section 18-9. - Historic district entrance corridor overlay district.

18-9-1. Intent. In accordance with the Town of Abingdon Virginia Comprehensive Plan adopted in December 2000, the Abingdon Historic District Entrance Corridor Overlay District is hereby created. The purpose of this district is: to achieve a balanced land use pattern that retains Abingdon's small town character while accommodating quality growth in a planned manner; insure that future business and employment centers do not adversely affect or overburden the public facilities, environment or existing town character of Abingdon; to protect and enhance Abingdon's attractiveness; protect Abingdon's scenic, historic, architectural and cultural resources; support and stimulate development which is appropriate and complimentary to the numerous properties of historic, architectural and cultural significance throughout the town; protect and enhance the architectural and scenic character of significant access routes to the town's historic areas, promote

orderly and attractive development along these significant access routes and ensure that development within this district is compatible with these resources through architectural control of development.

18-9-2. Area created, boundaries. In order to execute the intent of this article, there is hereby created an entrance corridor overlay district:

- (a) The boundaries of the entrance corridor overlay district shall be the boundaries of the office and business zoning districts and limited industrial districts (B-1, B-2, B-3, M-1 and O&I), as they are found on the following streets of the town:

East Main Street, from historic district to corporate limits.

West Main Street, from historic district to corporate limits.

Cummings Street, from South Corporate limits to historic district.

Whites Mill Road, from historic District to corporate limits.

Russell Road [full length].

Valley Street and Waldon Road, from historic district to East c/l.

Jonesboro Road, from W. Main to corporate limits.

Porterfield Highway, from Main Street to north corporate limits.

Green Springs Road, from historic district to Cummings Street.

Pecan Street, from historic district to railroad.

Hillman Highway, from Main to Old Eleven Drive.

Baugh Lane [full length].

Wyndale Road [full length].

Trigg Street, from Main to Railroad.

Deadmore Street, from Main to A Street.

Thompson Drive [full length].

Court Street, from Valley Street to Interstate Route I-81.

18-9-3. Permitted uses. A building and/or land shall be used for the following purposes:

- (a) Unless otherwise specified herein, uses which are permitted in the underlying districts shall be permitted in the EC district.

18-9-4. Special uses. A building and/or land may be used for the purposes, subject to the issuance of a special use permit, as authorized in section 17-3.

- (a) Uses permitted with a special use permit in the underlying districts, shall be permitted with a special use permit in the EC district.
- (b) When otherwise permitted in the underlying district, any newly constructed building intended to be occupied with greater than 50,000 square feet of floor area devoted to retail use shall require a special use permit in the EC district. (Amd. of 7-7-03)

18-9-5. Area and bulk regulations. Uses, buildings and structures shall be subject to regulations for lot area, lot width, street frontage, setback, height, yards, parking and signs applicable in the underlying districts in which they are located.

18-9-6. Certificate of appropriateness required. A certificate of appropriateness is required for the following:

- (a) No building permit shall be issued involving construction or exterior modifications to a building until a certificate of appropriateness has been issued in accordance with section 18-9-7 for improvements subject to such building permit.
- (b) No site plan shall be approved until a certificate of appropriateness has been issued in accordance with section 18-9-7 for all buildings and improvements shown thereon.
- (c) No changes shall be made to the exterior color or colors of a building or sign until a certificate of appropriateness has been issued in accordance with section 18-9-7 for such color changes.

18-9-7. Administration. The planning commission shall be responsible for the issuance of certificates of appropriateness as required by this article. Application for a certificate of appropriateness shall be filed with the zoning administrator. Materials submitted shall include a preliminary site plan, landscaping plan, elevations of all buildings, facades visible from public streets, samples of proposed building materials, lighting plan and details and scale drawings of proposed signage to include materials, colors and proposed lighting. Architectural and landscaping plans should include elevations and renderings that depict colors, materials and designs. The planning commission shall review the application and, if approved, shall issue a certificate of appropriateness, with or without conditions, together with any modifications deemed necessary to ensure compliance with this section. Failure of the planning commission to act within 60 days from the date of application shall constitute approval of the application.

In making its determinations, the planning commission may consider any architectural feature which influences appearance, such as, but not limited to motif and style, color, texture and materials, configuration, orientation, mass, shape, height and location of buildings, location and configuration of parking areas, landscaping and buffering. The zoning administrator and/or the town manager or their designees shall approve signs.

In case of a building or use for which a special use permit is required, issuance of a certificate of appropriateness by the planning commission shall be required as set forth in this article. Such certificate of appropriateness shall be advisory to the town council, and shall be construed to be a part of the planning commission's recommendation to the council on the special use permit. The town council may attach such conditions or modify the certificate of appropriateness as it deems necessary in conjunction with its action on the special use permit.

18-9-8. Design standards. All applications for certificates of appropriateness must satisfy the design standards contained in this section.

- (a) Landscaping.
 - (1) Landscaping shall be used to soften the visual impact of development and enhance the appearance of the area.

- (2) Landscaping shall be sufficient to soften the visual effects of parking lots, reduce the effective visual mass of large buildings, and provide screening between the development, the street and surrounding lots.
 - (3) Landscape buffers, shall be provided adjacent to public streets of sufficient size to permit street trees and plantings to be installed to reduce the visibility into parking lots.
 - (4) Landscaping shall be compatible with landscaping on adjacent properties.
 - (5) Landscaping shall be of a high quality and designed in a professional manner.
- (b) Signage. In addition to the limitations on the numbers and sizes of signs imposed under article 21 of this ordinance are the following:
- (1) Each parcel shall have an overall sign plan which reflects a consistent style and specifies the size(s), and color scheme for proposed signage.
 - (2) Materials used in signs and their support structures should reflect the building served by the sign.
 - (3) Sign colors should be harmonious with the building which they serve.
- (c) Architecture.
- (1) Materials, colors and general style of buildings within a development should be coordinated.
 - (2) Heating and air conditioning units, ventilation units, and mechanical equipment shall be screened from view from public streets.
 - (3) Loading docks, trash containers, mechanical equipment and any sites for storage facilities shall be screened from view from public streets.
 - (4) The effective visual mass of large buildings should be reduced by variations in roof line, building angles, dimension, relief, color, architectural detailing and landscaping.
 - (5) Architectural styles, building and roofing materials, and colors shall be reflective of the traditional architecture of Abingdon. This may be accomplished through building scale, materials, and forms, all of which may be embodied in architecture which is contemporary as well as traditional.
 - (6) Trademark buildings and related features including signs shall be modified to meet these design standards.
- (d) Site planning. In addition to the requirements of section 18-2 et seq., the following standards are required in the entrance corridor overlay district:
- (1) Parking lot layouts shall respond to the topographic characteristics of the site.
 - (2) the number of access points to parking lots from a street will be minimized and shall relate to other existing curb cuts whenever possible.
 - (3) Parking lots will be interconnected on adjacent parcels whenever possible.

- (4) Small, landscaped and interconnected parking lots, rather than large, central parking lots shall be encouraged.
 - (5) Parking lots shall not dominate the image of a site.
 - (6) Where sidewalks exist adjacent to individual project sites pedestrian access from the sidewalk into individual project sites as well as within sites and between sites shall be provided.
 - (7) The planning commission is permitted to reduce the parking space requirement when the interests of the town are better served.
- (e) Lighting.
- (1) Lighting should be in keeping with the design of the complex.
 - (2) Lighting should be of uniform style for each project site.
 - (3) Lighting should be contained within the site and designed to limit spillover to streets and adjacent properties and to minimize the amount of light that is directed to the sky.
 - (4) Light poles shall not exceed 24 feet in height.
- (f) Temporary, mobile and modular structures. No temporary, mobile or modular structure may be placed or used in this zoning district, with the exception that temporary structures may be placed upon property within this district by contractors for their use during development and construction upon property within this district.

18-9-9. Appeals. Appeals may be taken from any action or decision of the zoning administrator and planning commission granting or refusing to grant a certificate of appropriateness, pursuant to the provisions of this article. Appeals shall be taken to the town council within 30 days of the action taken by the planning commission appeal shall be made by letter addressed to the town manager noting the particular action being appealed. Any owner or other party aggrieved by the decision of the town council shall have the right to appeal to the Circuit Court of Washington County within 30 days of the action taken by the town council.

BE IT FURTHER ORDAINED, that upon the recommendation of the Council for the Town of Abingdon, Part II – Code, Appendix B-Zoning Ordinance, Article 18. – Site Plan Review, Section 18-9.- Historic District Entrance Corridor Overlay District, be amended as follows:

Section 18-9. - Historic district entrance corridor overlay district.

18-9-1. *Intent*. In accordance with the Town of Abingdon Virginia Comprehensive Plan adopted in December 2000, the Abingdon Historic District Entrance Corridor Overlay District is hereby created. The purpose of this district is: to achieve a balanced land use pattern that retains Abingdon's small town character while accommodating quality growth in a planned manner; insure that future business and employment centers do not adversely affect or overburden the public facilities, environment or existing town character of Abingdon; to protect and enhance Abingdon's attractiveness; protect Abingdon's scenic, historic, architectural and cultural resources; support and stimulate development which is appropriate and complimentary to the numerous properties of

historic, architectural and cultural significance throughout the town; protect and enhance the architectural and scenic character of significant access routes to the town's historic areas, promote orderly and attractive development along these significant access routes and ensure that development within this district is compatible with these resources through architectural control of development.

18-9-2. Area created, boundaries. In order to execute the intent of this article, there is hereby created an entrance corridor overlay district:

- (a) The boundaries of the entrance corridor overlay district shall be the boundaries of the office and business zoning districts and limited industrial districts (B-1, B-2, B-3, M-1 and O&I), as they are found on the following streets of the town:

East Main Street, from historic district to Thompson Drive.

West Main Street, from historic district to Porterfield Highway.

Cummings Street, from Interstate 81 to historic district.

Russell Road [full length].

18-9-3. Permitted uses. A building and/or land shall be used for the following purposes:

- (a) Unless otherwise specified herein, uses which are permitted in the underlying districts shall be permitted in the EC district.

18-9-4. Special uses. A building and/or land may be used for the purposes, subject to the issuance of a special use permit, as authorized in section 17-3.

- (a) Uses permitted with a special use permit in the underlying districts, shall be permitted with a special use permit in the EC district.
- (b) When otherwise permitted in the underlying district, any newly constructed building intended to be occupied with greater than 50,000 square feet of floor area devoted to retail use shall require a special use permit in the EC district. (Amd. of 7-7-03)

18-9-5. Area and bulk regulations. Uses, buildings and structures shall be subject to regulations for lot area, lot width, street frontage, setback, height, yards, parking and signs applicable in the underlying districts in which they are located.

18-9-6. Certificate of appropriateness required to erect, construct, reconstruct, alter, restore, move or demolish a building.

- a. Certificates of appropriateness. No building or structure within the Historic District Entrance Corridor Overlay District may be demolished or moved in whole or in part, nor may any architectural features of said building or structure which are subject to public view from any public street, right-of-way or place be altered in any way that affects the external appearance of the building or structure without (i) prior approval of an application to the Planning Commission ("Commission") hereinafter created, and (ii) the Commission's issuance of a certificate of appropriateness. Neither shall any building or structure hereafter be erected, constructed, reconstructed, altered, restored, moved or demolished within the Historic District Entrance Corridor Overlay District without the same prior approval and issuance of a certificate of appropriateness.
- b. Routine maintenance and minor action exclusion. Upon written application, the zoning administrator of the Town of Abingdon (the "administrator") may determine that certain minor actions involving buildings and structures within the Historic District Entrance Corridor Overlay District will have no permanent effect on the character of the district, and, by written waivers issued to the parties wishing to take the minor actions, exempt them from review by the Commission. Such minor actions shall be limited to those listed in the design review guidelines described in section 18-9-11 below under the topic heading "routine maintenance and repair of buildings and other minor actions". Each application for waiver must be on the form provided by the office of the administrator and documented by appropriate samples of the materials and colors to be used in taking the minor actions. With respect to each waiver issued hereunder, the administrator shall see to it through the town's inspection department that the work performed and materials employed comply with the terms of the particular waiver. Provided, however:
 - (i) If the administrator is uncertain about his authority to grant a waiver or if the administrator and the applicant cannot agree on changes in any application for waiver, the application shall be referred to the Commission at its next regularly scheduled meeting for a decision on the question, which decision shall be final;
 - (ii) If the administrator denies an application for a waiver, the applicant may appeal the administrator's decision to the Commission, in which case the Commission's decision shall be final; and
 - (iii) If a waiver is issued and the work is commenced but in the opinion of the administrator the work does not qualify for a waiver the administrator shall order that the work be stopped until the applicant secures a certificate of appropriateness pursuant to section 18-9-6 (a). In any such case the applicant may appeal to the Commission, whose decision on the question shall be final.

The administrator shall provide the Commission with a copy of each application for a waiver at the Commission's regularly scheduled meeting next following the date the application was received.

- c. Work undertaken without authorization. In addition to the sanctions provided in article 24, section 24-2 of this ordinance and any other remedy available at law or in equity, the administrator shall issue a stop work order if any work subject to this section is started without authorization by either the Commission or the administrator, as provided above. Any such stop work order shall (i) remain in effect until the party proposing to do the work secures appropriate authorization; and, (ii) be subject to the right of such party to appeal the action of the administrator to the Commission.
- d. No building permit shall be issued involving construction or exterior modifications to a building until a certificate of appropriateness or waiver has been issued in accordance with section 18-9-6 for improvements subject to such building permit.
- e. No site plan shall be approved until a certificate of appropriateness or waiver has been issued in accordance with section 18-9-6 for all buildings and improvements shown thereon.
- f. No changes shall be made to the exterior color or colors of a building or sign until a certificate of appropriateness or waiver has been issued in accordance with section 18-9-6 for such color changes.

18-9-7. *Administration.* The planning commission shall be responsible for the issuance of certificates of appropriateness as required by this article. Application for a certificate of appropriateness shall be filed with the zoning administrator. Materials submitted shall include a preliminary site plan, landscaping plan, elevations of all buildings, facades visible from public streets, samples of proposed building materials, lighting plan and details and scale drawings of proposed signage to include materials, colors and proposed lighting. Architectural and landscaping plans should include elevations and renderings that depict colors, materials and designs. The planning commission shall review the application and, if approved, shall issue a certificate of appropriateness, with or without conditions, together with any modifications deemed necessary to ensure compliance with this section. Failure of the planning commission to act within 60 days from the date of application shall constitute approval of the application.

In making its determinations, the planning commission may consider any architectural feature which influences appearance, such as, but not limited to motif and style, color, texture and materials, configuration, orientation, mass, shape, height and location of buildings, location and configuration of parking areas, landscaping and buffering. The zoning administrator and/or the town manager or their designees shall approve signs.

In case of a building or use for which a special use permit is required, issuance of a certificate of appropriateness by the planning commission shall be required as set forth in this article. Such certificate of appropriateness shall be advisory to the town council, and shall be construed to be a part of the planning commission's recommendation to the council on the special use permit. The town council may attach such conditions or modify the certificate of appropriateness, as it deems necessary in conjunction with its action on the special use permit.

18-9-8 Matters to be considered in acting on the appropriateness of the erection, construction, reconstruction, alteration, restoration, moving or demolition of a building or structure.

18-9-9. *Role of design review guidelines.* In reviewing each project the Planning Commission must follow the suggestions and requirements of the design review guidelines, as such document now exists and may hereafter be revised and amended by the Commission. Provided, by either a six-to-one or unanimous vote the Commission may elect to disregard any guideline it considers unimportant or inappropriate to a particular project.

18-9-10. *Review of design review guidelines.* The Commission shall periodically review the design review guidelines in the context of the experience gained since the last review of that kind and make all such revisions that seem, in their judgment, to be necessary or advisable.

18-9-11. *Matters the Commission shall and shall not consider.* The Commission shall not consider interior arrangement of the building or structure or features not subject to view from a public street, right of way or place. In addition to those specified in the design review guidelines, the Commission shall consider the following matters in passing on the appropriateness of a particular project:

(a) *Landscaping.*

- (1) Landscaping shall be used to soften the visual impact of development and enhance the appearance of the area.
- (2) Landscaping shall be sufficient to soften the visual effects of parking lots, reduce the effective visual mass of large buildings, and provide screening between the development, the street and surrounding lots.
- (3) Landscape buffers, shall be provided adjacent to public streets of sufficient size to permit street trees and plantings to be installed to reduce the visibility into parking lots.
- (4) Landscaping shall be compatible with landscaping on adjacent properties.
- (5) Landscaping shall be of a high quality and designed in a professional manner.

- (b) *Signage.* In addition to the limitations on the numbers and sizes of signs imposed under article 21 of this ordinance are the following:
 - (1) Each parcel shall have an overall sign plan which reflects a consistent style and specifies the size(s), and color scheme for proposed signage.
 - (2) Materials used in signs and their support structures should reflect the building served by the sign.
 - (3) Sign colors should be harmonious with the building which they serve.
- (c) *Architecture and General Building Characteristics:* The following recommendations are provided for architectural styles and general building characteristics:
 - (1) Materials, colors and general style of buildings within a development should be coordinated.
 - (2) Heating and air conditioning units, ventilation units, and mechanical equipment shall be screened from view from public streets.
 - (3) Loading docks, trash containers, mechanical equipment and any sites for storage facilities shall be screened from view from public streets.
 - (4) The effective visual mass of large buildings should be reduced by variations in roof line, building angles, dimension, relief, color, architectural detailing and landscaping.
- (d) *Design review guidelines.*
 - (1) New buildings or exterior alterations to existing structures should include one or a combination of the following materials/methods of construction:
 - (2) Wood frame, (or fiber cement board), with brick, stone, or concrete foundations; brick construction or brick facing; finished concrete block; roof materials of standing seam metal, asphalt shingle, and rubber membrane/parapet for flat roof forms.
 - (3) Windows should be used to provide interest and surface variations on building elevations. Blank building walls are discouraged for most commercial applications.
 - (4) The design of gas station canopies, building canopies and other accessory structures should be compatible with the scale, color, materials, and detail of the buildings they serve.

- (5) Site walls and retaining walls should be comprised of brick, or concrete; brick facing on a concrete or concrete masonry unit wall. The use of segmental/modular concrete block is discouraged. Site walls should be considered as part of site terracing in increments; site walls out of proportion with building foundations or the human figure are discouraged.
- (6) Roof forms may be single gable, cross gable, gambrel, hip, parapet, or flat forms. Mansard roof forms are not recommended on modern-styled buildings.
- (7) Site materials shall be limited to local stone, asphalt, concrete, and exposed aggregate concrete.
- (8) Façade colors preferably shall be of low reflectance white, earth tone, muted, subtle, or neutral colors. Building trim may feature brighter colors as an accent material. The use of high-intensity, metallic, fluorescent, day glow, or neon colors are discouraged.
- (9) Trademark buildings and related features including signs shall be modified to meet these design standards.
- (10) Routine maintenance and repair of buildings and other minor actions. The following minor actions involving buildings and structures within the Historic District Entrance Corridor Overlay District, which will have no permanent effect on the character of the district, shall by written waiver be exempt from review by the Commission.
 - (a) Repainting in a paint scheme that duplicates the existing paint colors.
 - (b) Replacement of windows that duplicate the existing windows.
 - (c) Relocation of heating and cooling systems on the property provided they be screened per the Design Guidelines.
 - (d) Addition or deletion of awnings, temporary canopies, window air conditioners or similar appurtenances.
 - (e) Exterior alterations to existing structures not visible from a public street, right of way or determined by the administrator to have no permanent effect on the character of the district.
 - (f) Replacement of roof using materials that replicate existing materials.
- (e) *Site planning.* In addition to the requirements of section 18-2 et seq., the following standards are required in the entrance corridor overlay district:

- (1) Parking lot layouts shall respond to the topographic characteristics of the site.
- (2) The number of access points to parking lots from a street will be minimized and shall relate to other existing curb cuts whenever possible.
- (3) Parking lots will be interconnected on adjacent parcels whenever possible.
- (4) Small, landscaped and interconnected parking lots, rather than large, central parking lots shall be encouraged.
- (5) Parking lots shall not dominate the image of a site.
- (6) Where sidewalks exist adjacent to individual project sites pedestrian access from the sidewalk into individual project sites as well as within sites and between sites shall be provided.
- (7) The planning commission is permitted to reduce the parking space requirement when the interests of the town are better served.

(f) *Lighting.*

- (1) Lighting should be in keeping with the design of the complex.
- (2) Lighting should be of uniform style for each project site.
- (3) Lighting should be contained within the site and designed to limit spillover to streets and adjacent properties and to minimize the amount of light that is directed to the sky.
- (4) Light poles shall not exceed 24 feet in height.

(g) *Temporary, mobile and modular structures.* No temporary, mobile or modular structure may be placed or used in this zoning district, with the exception that temporary structures may be placed upon property within this district by contractors for their use during development and construction upon property within this district.

18-9-12. *Appeals.* Appeals may be taken from any action or decision of the zoning administrator and planning commission granting or refusing to grant a certificate of appropriateness, pursuant to the provisions of this article. Appeals shall be taken to the town council within 30 days of the action taken by the planning commission appeal shall be made by letter addressed to the town manager noting the particular action being appealed. Any owner or other party aggrieved by the decision of the town council shall have the right to appeal to the Circuit Court of Washington County within 30 days of the action taken by the town council.

CERTIFICATE

Pursuant to Section 2-100 of the Code of the Town of Abingdon, Virginia, I hereby certify that I have reviewed the foregoing proposed ordinance to amend Part II – Code, Appendix B-Zoning Ordinance, Article 8.-OH Old and Historic District; Section 8-2.-Permitted uses-By right, Sub-section 8-2-4, and find it to be in correct form, as set forth above, this first day of October, 2019.


Cameron Bell, Counsel

This ordinance was adopted on October 1, 2019, to take effect on November 1, 2019

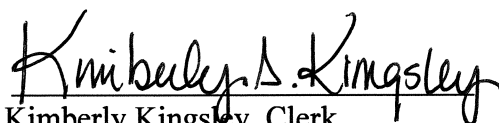

Wayne Craig, Mayor

The undersigned Clerk of the Town of Abingdon, Virginia (the “Town”), hereby certifies that the foregoing constitutes a true and correct copy of an ordinance duly adopted at a meeting of the Council held on October 1, 2019. I hereby certify that such meeting was a regularly scheduled meeting and that, during the consideration of the foregoing ordinance, a quorum was present. I further certify that the minutes of meeting was a regularly scheduled meeting and that, during the consideration of the foregoing ordinance, a quorum was present. I further certify that the minutes of such meeting reflect the attendance of the members and the voting on the foregoing ordinance was as follows:

MEMBERS	ATTENDANCE	VOTE
Wayne Craig, Mayor	Yes	Aye
Cindy Patterson, Vice Mayor	Yes	Aye
Donna Quetsch	Yes	Aye
Derek Webb	Yes	Aye
Al Bradley	Yes	Aye

WITNESS MY HAND and the seal of the Town of Abingdon as of Oct. 1, 2019.

(SEAL)


Kimberly Kingsley, Clerk